

CITY OF SAN ANTONIO

Board of Adjustment Regular Meeting Agenda

Cliff Morton Development and Business Services Center
1901 South Alamo Street
Board Room, First Floor

Monday, November 19, 2007
1:00 PM

BOARD OF ADJUSTMENT MEMBERS

Vacant – District 1	Paul Klein – District 6
Edward Hardemon – District 2	Mary Rogers – District 7
Helen Dutmer – District 3	Andrew Ozuna – District 8
Gerald Yarborough – District 4	Michael Gallagher – District 10
George Alejos – District 5	Gene Camargo – District Mayor
Mike Villyard – District 9	
Chairman	
Maria Cruz	Michael Dean
Mimi Moffat	Henry Rodriguez
Rollette Schreckenghost	Pete Vallone

1. 1:00 PM – Public Hearing Call to Order.
2. Roll Call.
3. Pledges of Allegiance.
4. **A-07-097PP:** The request of Herminia Pachecano, for 1) a 30-foot variance from the Unified Development Code requirement that, within the Beacon Hill Neighborhood Conservation District, carports shall be located a minimum of 5 feet behind the primary residence's front façade, in order to keep an existing carport that extends 25 feet in front of the primary residence's front façade, and 2) a complete variance from the Unified Development Code requirement that a minimum 5-foot side setback be maintained in "R-6" zoning districts, in order to keep the same carport on the side property line, 1133 West Woodlawn Avenue.
5. **A-08-006:** The request of the City of San Antonio, for a 13-foot, 5-inch variance from the Unified Development Code requirement that a maximum 20-foot front setback be maintained in the "D" Downtown zoning district, in order to build a structure 33 feet, 5 inches from the front property line, 106 West Market Street.

6. **A-08-007:** The request of Joaquin Garcia, for 1) a 2-foot variance from the Unified Development Code requirement that solid screen fences in front yards be no taller than 3 feet in order to keep a 5-foot tall solid screen fence in the front yard, 2) a 1-foot, 6-inch variance from the Unified Development Code requirement that predominantly open fences in front yards be no taller than 4 feet in order to keep a 5-foot, 6-inch tall predominantly open fence in the front yard, 3) a 2-foot variance from the Unified Development Code requirement that clear vision areas be free of visual obstructions which are higher than three feet above the pavement, in order to allow a 5-foot tall solid screen fence to encroach into the clear vision area of abutting driveways in the front yard, and 4) a 2-foot, 6-inch variance from the Unified Development Code requirement that clear vision areas be free of visual obstructions which are higher than three feet above the pavement, in order to allow a 5-foot, 6-inch tall predominantly open fence to encroach into the clear vision area of abutting driveways in the front yard, 5538 Red Sky Drive.
7. **A-08-008:** The request of Elva Arteaga, for a 2:12 minimum roof pitch variance from the Unified Development Code requirement that, within the Alta Vista Neighborhood Conservation District, a roof with a five inch rise for every horizontal foot be required (5:12 minimum), in order to keep a roof pitch at 3:12 to 4:12 minimum for every horizontal foot, 519 West Huisache Avenue.
8. **A-08-010:** The request of Ray C. and Joann Almaguer, for a 16-foot variance from the Unified Development Code requirement that a minimum 20-foot front setback be maintained for front entry carports, in order to keep an existing carport 4 feet from the front property line, 222 West Emerson Avenue.
9. **A-08-011:** The request of Mark and Marie Cooper, for 1) a 130 square-foot variance from the Unified Development Code requirement that accessory detached dwelling units be no larger than 800 square feet, in order to build a 930 square-foot accessory detached dwelling unit, and 2) a 23% building footprint variance from the Unified Development Code requirement that the building footprint of an accessory detached dwelling unit be no larger than 40% of the principal building footprint, in order to build an accessory detached dwelling unit with a building footprint that would be 63% of the building footprint of the principal residence, 1940 West Summit Avenue.
10. **A-08-012:** The request of Gregory Alba, for a complete variance from the Unified Development Code requirement that a minimum 30-foot rear setback be maintained in "C-2" zoning districts when abutting residential uses or residential zoning districts, in order to build a structure on the rear property line, 117 West Craig Place.
11. Consideration and approval of the 2008 Board of Adjustment meeting calendar.
12. Consideration and approval of the minutes from the regular meetings on October 2, 2006 and November 5, 2007.
13. Staff Report.
14. Executive Session: consultation on attorney-client matters (real estate, litigation, personnel and security matters) as well as any of the above agenda items may be discussed.

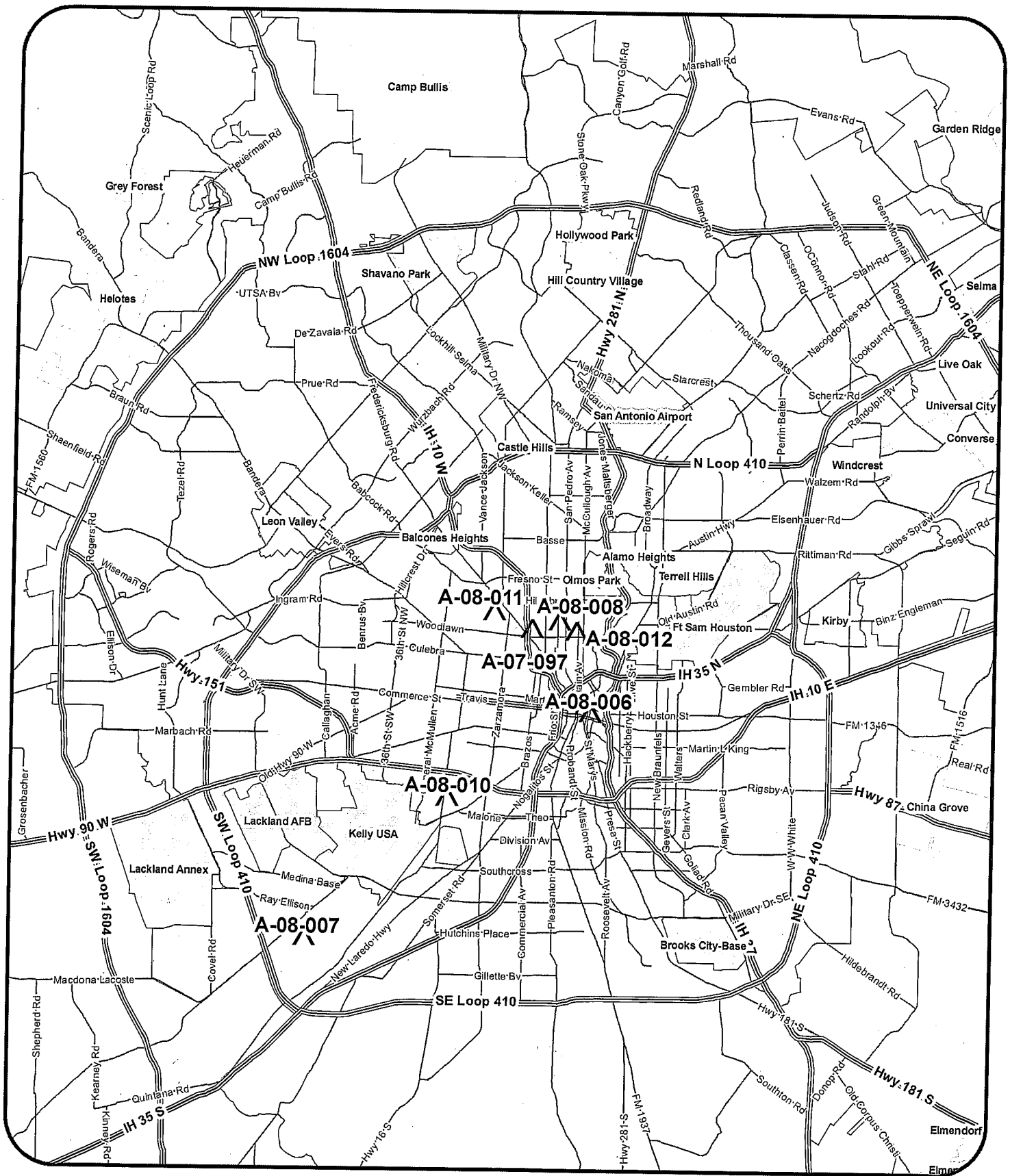
15. **Adjournment**

Note: The City of San Antonio Board of Adjustment agenda is on the Internet at: www.sanantonio.gov/dsd

At any time prior to the meeting, you may contact a case manager at 207-6944 to check the status of a case.

Accessibility Statement

This meeting is wheelchair accessible. The accessible entrances are located at the front and side of the building at 1901 South Alamo Street. Accessible parking spaces are located in the front and rear of the building. Auxiliary aids and services are available upon request. Interpreters for the deaf must be requested at least 48 hours prior to the meeting by calling (210) 207-7245.



Board of Adjustment

Subject Property Locations
Cases for November 19, 2007



Produced by the City of San Antonio
Development Services Department
(11/07/2007)

Board of Adjustment - Case No. A-07-097PP

November 19, 2007

The Board of Adjustment will hold a Public Hearing at 1:00 PM on **Monday, November 19, 2007** in the Board Room on the 1st floor of the Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant – Herminia Pachecano

Lot 30, the east 12.5 feet of Lot 29, and the west 22.5 feet of Lot 31, Block 38, NCB 1847
1133 West Woodlawn Avenue

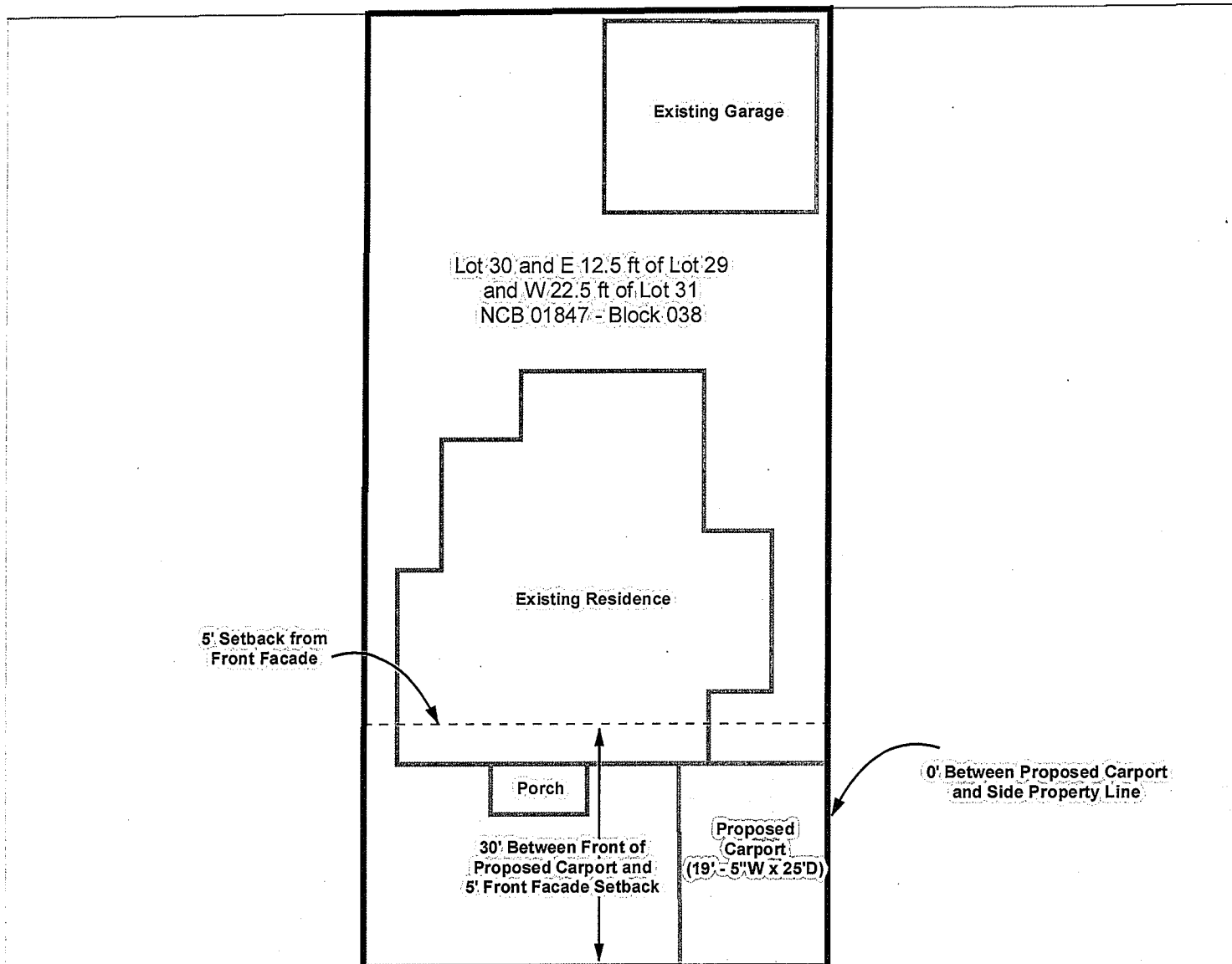
Zoned: “R-6 NCD-5” Residential Single-Family, Beacon Hill Neighborhood
Conservation District

The applicant is requesting 1) a 30-foot variance from the Unified Development Code requirement that, within the Beacon Hill Neighborhood Conservation District, carports shall be located a minimum of 5 feet behind the primary residence’s front façade, in order to keep an existing carport that extends 25 feet in front of the primary residence’s front façade, and 2) a 5-foot variance from the requirement that a minimum 5-foot side setback be maintained in “R-6” Zoning districts, in order to keep the same carport on the side property line

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. To check on the status of this case, or for additional information, you may contact Case Manager David Arciniega at (210) 207-6944. If you plan to make a presentation and would like to utilize audio/video capabilities, the Development Services Department must receive all materials at least 24 hours prior to the public hearing.

Construction relative to any variances granted by the Board must be started within six (6) months of the public hearing.

The Development and Business Services Center is wheelchair accessible. Accessible parking spaces are located on the north and south sides of the building.



Woodlawn Ave W

Board of Adjustment

**Plot Plan for
Case A-07-097**



Scale: 1" approx. = 20'
Council District 1

1133 Woodlawn Ave W

Produced by the City of San Antonio
Development Services Department
(11/15/2007)

CASE NO: A-07-097PP**Board of Adjustment – November 19, 2007**

Applicant: Herminia Pachecano

Owner: Herminia Pachecano

Request(s): 1) a 30-foot variance from the requirement that within the Beacon Hill Neighborhood Conservation District, carports shall be located a minimum of 5 feet behind the primary residence's front façade, in order to keep an existing carport that extends 25 feet in front of the primary residence's front façade, and 2) a complete variance from the requirement that a minimum 5-foot side setback be maintained in "R-6" Zoning Districts, in order to keep the same carport on the side property line

Legal Description: Lot 30, the east 12.5 feet of Lot 29 and the west 22.5 feet of Lot 31, Block 38, NCB 1847

Address: 1133 West Woodlawn Avenue

Zoning: "R-6 NCD-5" Residential Single-Family, Beacon Hill Neighborhood Conservation District

Existing Use: Single-Family Residence

Neigh. Assoc: Beacon Hill Neighborhood Association

Neigh. Plan: Midtown Neighborhood and Community Plan

Sections of the City Code from which these variances are requested

Section 35-335 "NCD" Neighborhood Conservation District: The Beacon Hill Neighborhood Conservation District requires that carports be located at least 5 feet behind the primary dwelling structure's front façade.

Section 35-310 Zoning District Purpose Statements and Design Regulations: A minimum 5-foot side setback is required in "R-6" zoning districts.

Background: The subject property is occupied by a single-family residence and is situated on the north side of West Woodlawn Avenue, between IH 10 West and Blanco Road within an established single-family residential neighborhood. Residential zoning and uses lie to the north, south and east. An office zoning district abuts the subject property to the west. This property is located in the Beacon Hill Neighborhood Conservation District which specifically delineates design standards for carports. The applicant was in the process of removing the old carport and replacing it with a new carport, using the same footprint and columns. Rebuilding of this carport began without a building permit and the owner was issued a citation on August 21, 2007. An investigation was initiated as a result of a citizen complaint. On October 1, 2007, the applicant presented these variances to the Board of Adjustment for consideration; the Board of Adjustment postponed the case to provide time for the applicant to discuss the requested variances with the Neighborhood Association.

Recommendation: Within the Beacon Hill Neighborhood Conservation District, a detached carport may be constructed in the rear yard (or side yard, if a corner lot). It may also be constructed as an integral element of the primary structure, if it:

- a) is recessed a minimum of 5 feet behind the primary structure's front façade,
- b) is constructed of building materials with the same scale, proportion and/or profile, and
- c) maintains the same roof line(s) as the primary structure.

Temporary carport structures, constructed of a canvas or vinyl tent material with pole supports, are prohibited.

From pictures provided by the applicant and a site inspection, it appears that sufficient space may exist for the proposed carport to comply with Beacon Hill Neighborhood Conservation District standards. The designation of a Neighborhood Conservation District, as requested by the citizens of the neighborhood, provides residents with a tool to preserve and protect the unique character of their neighborhood. Granting permission to rebuild the carport as proposed would not uphold the spirit of this NCD program. Staff recommends **denial of variance request number 1 above.**

The intent of the side setback requirement is to allow for air flow, light penetration, neighborhood uniformity, and to prevent the overcrowding of lots to maintain a reasonable amount of open space desired in single-family residential neighborhoods. This lot does not appear to be characterized by any unique terrain features where literal enforcement of the side setback requirement would result in unnecessary hardship. Staff recommends **denial of variance request number 2.**

Case Manager: David Arcinega, Planner (210) 207-6944

Report Date 10/29/2007 08:42 AM

Submitted By

Page 1

Case # 64796

Case Information

Stages

	Date / Time	By
Processed	08/20/2007 10:46	JD10507
Resolved		
Expires		

Associated Information

Case Group	PERMIT	WORKING W/O PERMIT	
Priority	P2	MED PRIORITY	<input checked="" type="checkbox"/> Auto Reviews
Resolution Code			
Source	CALL	CITIZEN DIRECT CALL	
Name			

Applications Affected

☒ Building Application ☐ Project Application ☐ Use Application ☐ License Application ☐ Case

Description of Case

BUILDING CARPORT WITHOUT PERMITS. *** 8/21/07 this is a neighborhood conservation. Per insp Cuellar needs to have the right set backs**AGcarport is approx. 10 feet away from front property line. /// 08/22/07 owner removed existing carport that did not comply with setbacks. by removing carport, carport can no longer be constructed in existing place. will need to apply for variance. owner has obtained paper work to fill out for variance. there is no construction going on at this time, only clean up. /// 09/04/07 owner has applied for a variance to keep carport as it was before being knocked down. hearing scheduled for 10/01/07. //// 10/02/07 hearing postponed until 11/19/07

Project #	Project/Phase Name	Phase #
Size/Area	Size Description	

Customer Service			
Service #	Problem	Resolution Code	Resolved Date

No Customer Service Log Entries

Property/Site Information

Address 1133 W WOODLAWN
SAN ANTONIO TX 78201-0000

Location

Owner/Tenant

There are no contacts for this site

Linked Addresses

No Addresses are linked to this Application

A/P Linked Addresses

No Addresses are linked to this Application

Linked Parcels

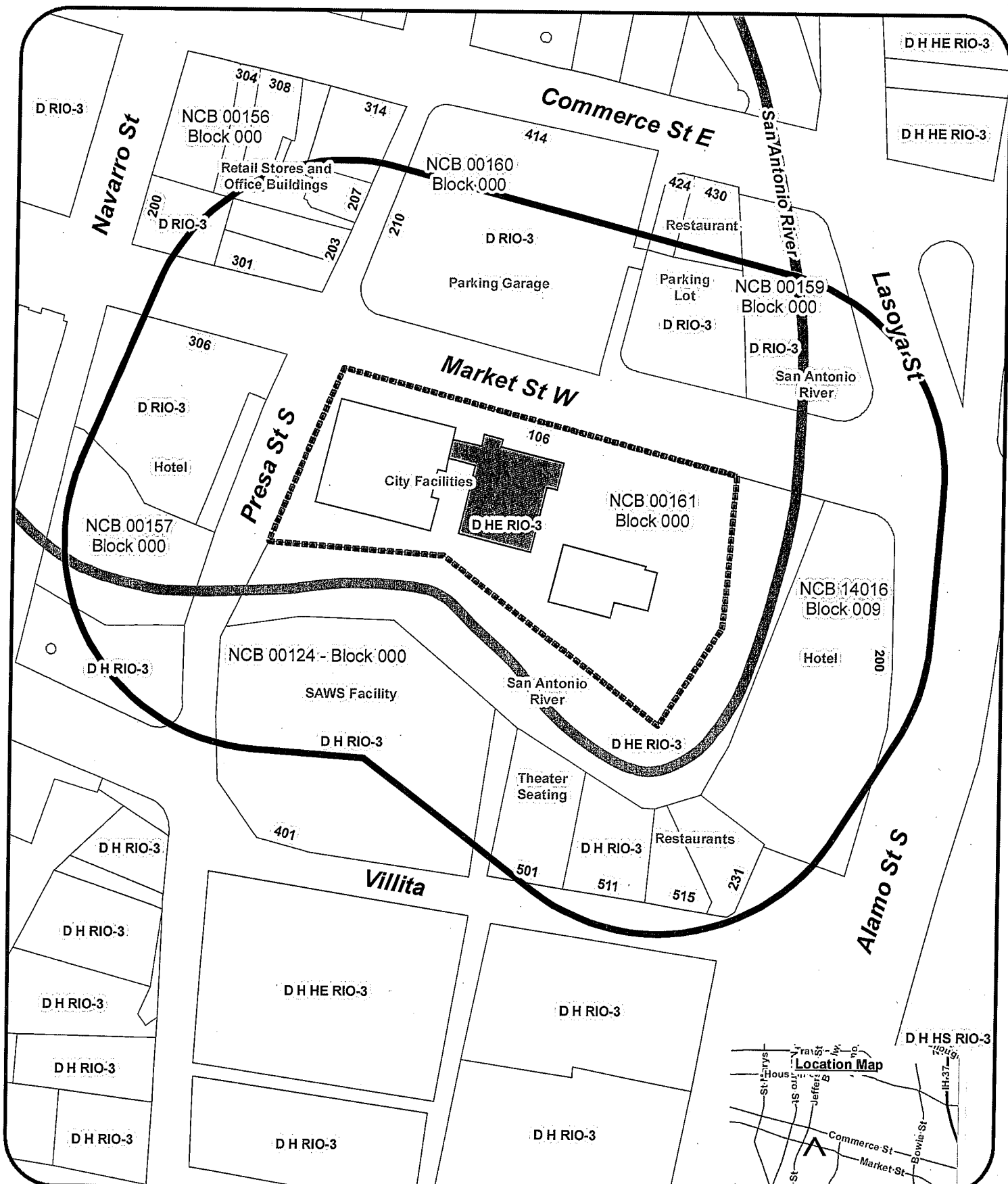
14537

A/P Linked Parcels

No Parcels are linked to this Application

Applicants/Contacts

No Applicant Contacts



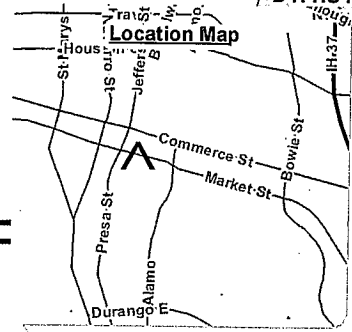
Board of Adjustment
Notification Plan for
Case A-08-006



Legend

Subject Property 
 200' Notification Buffer 

Scale: 1" approx. = 200'
 Council District 1



Produced by the City of San Antonio
 Development Services Department
 (08/27/2007)

Board of Adjustment - Case No. A-08-006

November 19, 2007

The Board of Adjustment will hold a Public Hearing at 1:00 PM on **Monday, November 19, 2007** in the Board Room on the 1st floor of the Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant – City of San Antonio

Lots 8, 9, 10 and the south part of Lots 11, 12, 13, 14 and 15, NCB 161

106 West Market Street

Zoned: “D HE RIO-3” Downtown Historic Exceptional River Improvement Overlay District 3.

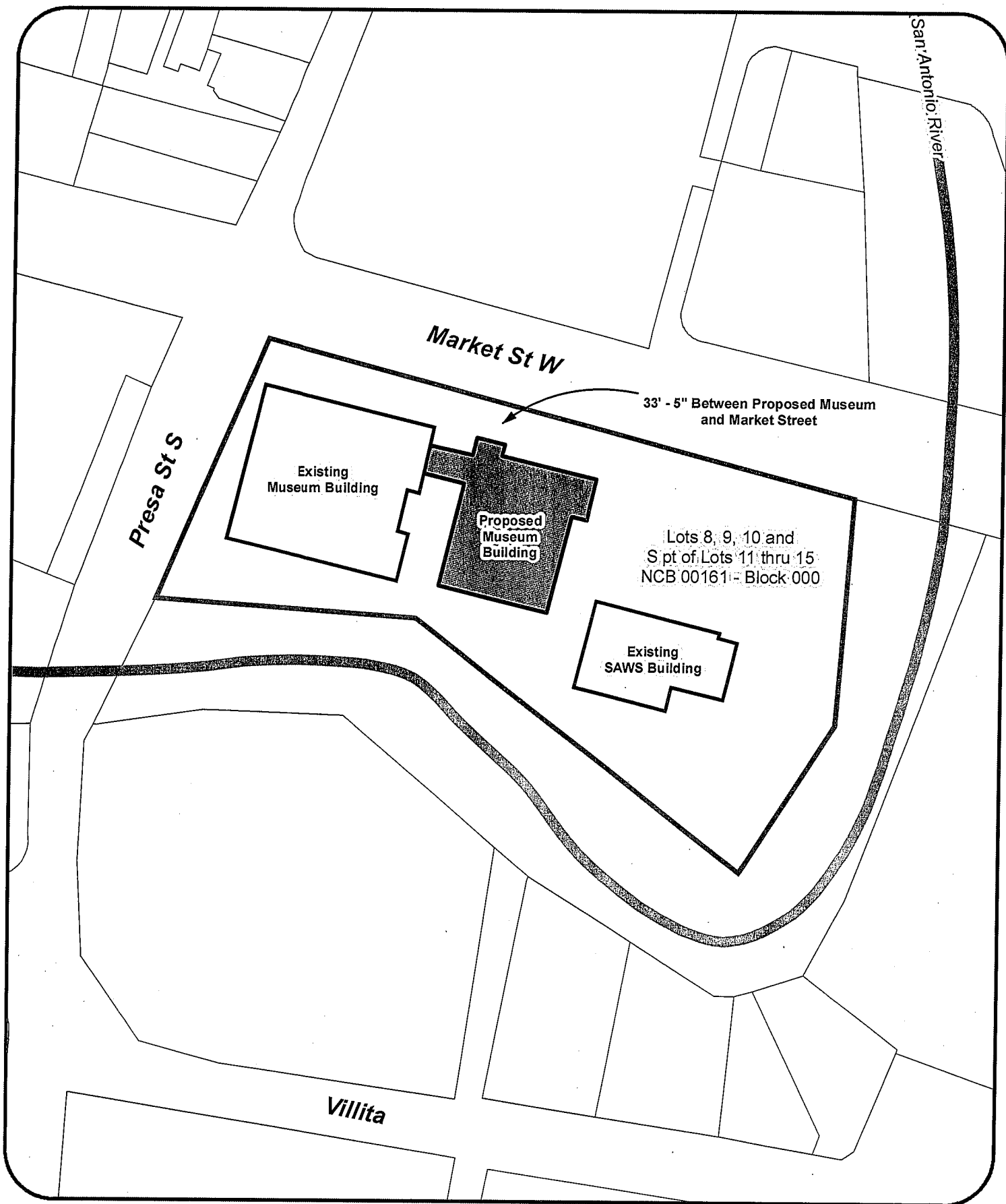
The applicant is requesting a 13-foot, 5-inch variance from the Unified Development Code requirement that a maximum 20-foot front setback be maintained in “D” zoning districts in order to build a structure 33 feet, 5 inches from the front property line

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. You may contact Case Manager David Arciniega at 207-6944 regarding the status of this case. If you plan to make a presentation and would like to utilize audio/video capabilities, the Development Services Department must receive all materials at least 24 hours prior to the public hearing.

Construction relative to any variances granted by the Board must be started within six (6) months of the public hearing.

The Development and Business Services Center is wheelchair accessible. Accessible parking spaces are located on the north and south sides of the building.

Whether or not you attend this public hearing, please complete and return the enclosed card to the Development Services Department, P.O. Box 839966, San Antonio, Texas 78283-3966. For additional information please call (210) 207-8318. Thank you.



Board of Adjustment
Plot Plan for
Case A-08-006



Scale: 1" approx. = 80'
Council District 1

106 Market St W

Produced by the City of San Antonio
Development Services Department
(11/07/2007)

CASE NO: A-08-006**Board of Adjustment – November 19, 2007**

Applicant: City of San Antonio

Owner: City of San Antonio

Request(s): A 13-foot, 5-inch variance from the maximum 20-foot front setback required in the "D" Downtown zoning district, in order to build a structure 33 feet, 5-inches from the front property line

Legal Description: Lots 8, 9, 10 and the south part of Lots 11, 12, 13, 14 and 15, NCB 161

Address: 106 West Market Street

Zoning: "D HE RIO-3" Downtown Historic Exceptional, River Improvement Overlay : District 3

Existing Use: Museum

Neigh. Assoc: Downtown Neighborhood Association

Neigh. Plan: Downtown Neighborhood Plan

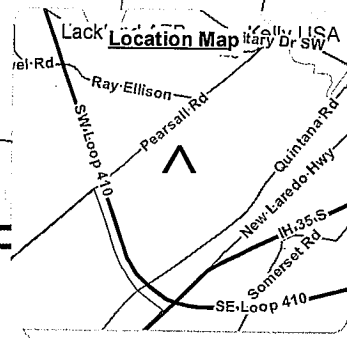
Section of the City Code from which the variance is requested:

Section 35-310 Zoning District Purpose Statements and Design Regulations: A maximum 20-foot front setback is required in "D" zoning districts.

Background: The subject property is situated on the southwest corner of West Market and South Presa Streets on the north side of the San Antonio River. The Briscoe Western Art Museum (formerly the original City of San Antonio Public Library and later the home of the Hertzberg Circus Collection) occupies the site. The existing structure was built in 1930 and exceeds the currently required 20-foot maximum front setback. The applicant is requesting a variance in order to construct a 14,000 square-foot structure addition that, as proposed, would be in-line with the existing building, thus exceeding the maximum front setback requirement. The applicant is in the process of requesting approval from the Historic and Design Review Commission.

Recommendation: The intent of the 20-foot maximum front setback requirement in "D" Districts is to create safer, pedestrian-oriented streetscapes by locating buildings close to the street and minimizing parking within the front yard. It encourages building form consistent with traditional downtown development. As the San Antonio River meanders through Downtown, it creates uniquely shaped parcels of buildable land. Development on these parcels over time has not always been in the traditional downtown style, specifically with respect to buildings built on the front property lines. It appears the requested variance would meet the intent of the UDC in that the request would allow the proposed structure to conform to the setbacks of the existing structure on the lot which is 33 feet, 5 inches from the front property line. The proposed addition would appear to have minimal impact on the surrounding commercial properties due to the configuration of the subject tract on the banks of the San Antonio River, and the proposed size and scale, which are consistent with the immediate surrounding area. Staff recommends **approval** of the variance request.

Case Manager: David Arciniega, Planner (210) 207-6944



Board of Adjustment
Notification Plan for
Case A-08-007



Legend

Subject Property 
 200' Notification Buffer 

Scale: 1" approx. = 80'
 Council District 4

Produced by the City of San Antonio
 Development Services Department
 (11/09/2007)

Board of Adjustment - Case No. A-08-007

November 19, 2007

The Board of Adjustment will hold a Public Hearing at 1:00 PM on **Monday, November 19, 2007** in the Board Room on the 1st floor of the Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant – Joaquin Garcia
Lot 3, Block 26, NCB 16039
5538 Red Sky Drive
Zoned: "R-6" Residential Single-Family District

The applicant is requesting **1)** a 2-foot variance from the Unified Development Code requirement that solid screen fences in front yards be no taller than 3 feet in order to keep a 5-foot tall solid screen fence in the front yard, **2)** a 1-foot, 6-inch variance from the Unified Development Code requirement that predominantly open fences in front yards be no taller than 4 feet in order to keep a 5-foot, 6-inch tall predominantly open fence in the front yard, **3)** a 2-foot variance from the requirement that clear vision areas be free of visual obstructions which are higher than three feet above the pavement, in order to allow a 5-foot tall solid screen fence to encroach into the clear vision area of abutting driveways in the front yard, and **4)** a 2-foot, 6-inch variance from the requirement that clear vision areas be free of visual obstructions which are higher than three feet above the pavement, in order to allow a 5-foot, 6-inch tall predominantly open fence to encroach into the clear vision area of abutting driveways in the front yard

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. You may contact Case Manager David Arciniega at 207-6944 regarding the status of this case. If you plan to make a presentation and would like to utilize audio/video capabilities, the Development Services Department must receive all materials at least 24 hours prior to the public hearing.

Construction relative to any variances granted by the Board must be started within six (6) months of the public hearing.

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Whether or not you attend this public hearing, please complete and return the enclosed card to the Development Services Department, P.O. Box 839966, San Antonio, Texas 78283-3966. For additional information please call (210) 207-8318. Thank you.

Red Sky Dr

Required
Clear Vision Area

5' - 6" Tall Wrought Iron
Security Fence
(53' - 7" Linear Ft.)

5' - 7" C.V. Setback
from Front Property Line

5' Tall Wooden
Privacy Fence
(19' - 8" Linear Ft.)

5' - 2" C.V. Setback
from Front Property Line

5' Tall Wooden
Privacy Fence
(19' - 3" Linear Ft.)

Existing Residence

Lot 3
NCB 16039 - Block 026

Board of Adjustment
Plot Plan for
Case A-08-007



Scale: 1" approx. = 20'
Council District 4

5538 Red Sky Dr

Produced by the City of San Antonio
Development Services Department
(11/13/2007)

CASE NO: A-08-007

Board of Adjustment – November 19, 2007

Applicant: Joaquin Garcia

Owner: Joaquin Garcia

Request(s):

- 1) A 1-foot, 6-inch variance from the requirement that predominantly open fences in front yards be no taller than 4 feet, in order to keep an existing 5-foot, 6-inch tall predominantly open fence in the front yard,
- 2) A 2-foot variance from the requirement that solid screen fences in front yards be no taller than 3 feet, in order to keep an existing 5-foot tall solid screen fence in the front yard,
- 3) A 2-foot variance from the requirement that clear vision areas be free of visual obstructions which are higher than three feet above the pavement, in order to allow a 5-foot tall solid screen fence to encroach into the clear vision area of abutting driveways in the front yard, and
- 4) A 2-foot, 6-inch variance from the requirement that clear vision areas be free of visual obstructions which are higher than three feet above the pavement, in order to allow a 5-foot, 6-inch tall predominantly open fence to encroach into the clear vision area of abutting driveways in the front yard

Legal Description: Lot 3, Block 26, NCB 16039

Address: 5538 Red Sky Drive

Zoning: "R-6" Residential Single-Family District

Existing Use: Single-Family Residence

Neigh. Assoc: Hidden Cove-Indian Creek/Southwest Neighborhood Association

Neigh. Plan: United Southwest Community Plan

Sections of the City Code from which these variances are requested:

35-514 Fences and Walls: No fence or wall, other than the wall of a permitted structure, shall be erected or altered in any front yard to exceed a height of 4 feet with the fence or wall to be so constructed that vision will not be obscured above a height of 3 feet, and

35-506 Cross Section and Construction Standards: Clear vision areas must be free of visual obstructions which are higher than 3 feet and lower than 8 feet above the pavement.

Background: The subject property is located in an established single-family residential subdivision that is located inside Loop 410 on the City's southwest side. The subject lot is situated on the south side of Red Sky Drive, between Old Pearsall and Quintana Roads and south of Five Palms Drive. Single-family residences surround the subject property on all sides. The applicant was issued a citation on October 5, 2007 for having a fence in the front yard that was constructed without required building permits and that exceeds the maximum allowed fence height. The investigation was initiated as a result of a citizen complaint. Further investigation revealed a portion of the fence encroaches into the clear vision area.

Recommendation: The intent of the maximum fence height requirement in front yards is to allow property owners to screen and secure their property while also maintaining openness, air flow, light penetration, neighborhood uniformity and safe visual clearance. The fence height in front yards is

limited also because the presence can detract from the streetscape and pedestrian friendliness of a neighborhood. Staff recommends **denial** of the front yard fence height variance requests (variance numbers **1 and 2**).

The intent of the clear vision area requirement is to allow for motorist and pedestrian safety at corners, curves and intersections of streets and driveways. This safety requirement is of paramount concern, and finding no apparent physical conditions on the site that might warrant variances from the clear vision area requirement, Staff recommends **denial** of the clear vision area variance requests (variance numbers **3 and 4**).

Case Manager: David Arciniega, Planner (210) 207-6944

Report Date 11/15/2007 08:18 AM

Submitted By

Page 1

Case # 66398

Case Information

Stages

	Date / Time	By
Processed	10/04/2007 13:11	JP00190
Resolved		
Expires		

Associated Information

Case Group	PERMIT	WORKING W/O PERMIT
Priority	P2	MED PRIORITY
Resolution Code		
Source	CALL	CITIZEN DIRECT CALL
Name		

☒ Auto Reviews

Applications Affected

☒ Building Application ☐ Project Application ☐ Use Application ☐ License Application ☐ Case

Description of Case

BUILT FENCE WITHOUT A PERMIT AND POSSIBLE HEIGHT VIOLATION. ///10-05-07, LIGUEZ.D#113-LEFT NOTICE TO OBTAIN PERMITS/FENCE HEIGHT VIOLATION***DOUBLE FEE PERMIT*** ///10-12-07 LIGUEZ, D.#113 - NO ONE HOME, LEFT 2ND NOTICE. ----10/22/07 LIGUEZ, D - NO PERMITS ON FILE; REMAINS IN VIOL. APPL. APPLIED FOR FENCE VARIANCE ON 10-10-07. MEETING DATE IS 11-19-07.

Project #	Project/Phase Name
Size/Area	Size Description

Phase #

Customer Service	Problem	Resolution Code	Resolved Date
Service #			

No Customer Service Log Entries

Property/Site Information

Address 5538 RED SKY DR
SAN ANTONIO TX 78242-0000

Location

Owner/Tenant

There are no contacts for this site

Linked Addresses

No Addresses are linked to this Application

A/P Linked Addresses

No Addresses are linked to this Application

Linked Parcels

305732

A/P Linked Parcels

No Parcels are linked to this Application

Applicants/Contacts

No Applicant Contacts

Contractors

No Contractors

Item Description

Item Status

R6 NCD-2 R6 NCD-2 R6 NCD-2 R6 NCD-2 R6 NCD-2 R6 NCD-2 R6 NCD-2 R6 NCD-2 R6 NCD-2 R6 NCD-2

Mulberry Ave W

538	534	530	526	522	518	514	510	504	502
R6 NCD-2	R6 NCD-2	R6 NCD-2	R6 NCD-2	R6 NCD-2	R6 NCD-2	R6 NCD-2	R6 NCD-2	R6 NCD-2	R6 NCD-2
1R	1R	1R	1R	1R	1R	1R	1R	1R	1R

NCB 01814
Block 014

NCB 01814
Block 014

1R	1R	1R	1R	1R	1R	1R	1R	1R	1R
R6 NCD-2	R6 NCD-2	R6 NCD-2	R6 NCD-2	R6 NCD-2	R6 NCD-2	R6 NCD-2	R6 NCD-2	R6 NCD-2	R6 NCD-2
539	535	531	527	523	519	515	513	507	501

Flores St N

Breeden Ave

Huisache Ave W

3018	R4 NCD-2	R6 NCD-2	522	520	518	516	510	506	502
NCB 01817 - Block 019			R6 NCD-2	R6 NCD-2	R6 NCD-2	R6 NCD-2	R6 NCD-2	R6 NCD-2	R6 NCD-2
3014	R4 NCD-2	R6 NCD-2	1R	1R	1R	1R	1R	1R	1R

R6 NCD-2									
	R6 NCD-2	R6 NCD-2	R6 NCD-2	R6 NCD-2	R6 NCD-2		R6 NCD-2	R6 NCD-2	



Board of Adjustment **Notification Plan for** **Case A-08-008**



Legend

Subject Property 
200' Notification Buffer 

Scale: 1" approx. = 80'
Council District 1

Produced by the City of San Antonio
Development Services Department
(11/09/2007)

Board of Adjustment - Case No. A-08-008

November 19, 2007

The Board of Adjustment will hold a Public Hearing at 1:00 PM on **Monday, November 19, 2007** in the Board Room on the 1st floor of the Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant – Elva Arteaga

Lot 16, Block 14, NCB 1814

519 West Huisache Avenue

Zoned: “R-6 NCD-2” Residential Single-Family Alta Vista Neighborhood Conservation District

The applicant is requesting a 2:12 minimum roof pitch variance from the Unified Development Code requirement that, within the Alta Vista Neighborhood Conservation District, a roof with a five inch rise for every horizontal foot be required (5:12 minimum), in order to keep a roof pitch at 3:12 minimum to 4:12 minimum for every horizontal foot.

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. You may contact Case Manager David Arciniega at 207-6944 regarding the status of this case. If you plan to make a presentation and would like to utilize audio/video capabilities, the Development Services Department must receive all materials at least 24 hours prior to the public hearing.

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Alley

Lot 16
NCB 01814 - Block 014

Existing Residence

Portion of Roof
with 4:12 Pitch

Portion of Roof
with 3:12 Pitch

Huisache St W

Board of Adjustment

Plot Plan for
Case A-08-008



Scale: 1" approx. = 20'
Council District 4

519 Huisache St W

Produced by the City of San Antonio
Development Services Department
(11/07/2007)

CASE NO: A-08-008

Board of Adjustment – November 19, 2007

Applicant: Elva Arteaga
Owner: Elva Arteaga
Request(s): A 2:12 minimum roof pitch variance from the requirement that, within the Alta Vista Neighborhood Conservation District, a roof with a five inch rise for every horizontal foot be required (5:12 min), in order to keep a roof pitch at 3:12 minimum to 4:12 minimum for every horizontal foot
Legal Description: Lot 16, Block 14, NCB 1814
Address: 519 West Huisache Avenue
Zoning: "R-6 NCD-2" Residential Single-Family, Alta Vista Neighborhood Conservation District
Existing Use: Single-family residence
Neigh. Assoc: Alta Vista Neighborhood Association
Neigh. Plan: Midtown Neighborhood Plan

Section of the City Code from which this variance is requested

35-335 "NCD" Neighborhood Conservation District: The Alta Vista Neighborhood Conservation District requires roofs maintain a five inch rise for every horizontal foot (5:12 minimum).

Background: The subject property is located in an established residential single-family neighborhood and is situated on the north side of West Huisache Avenue, east of North Flores Street and west of Breeden Avenue. Single-family residences surround the subject property. The Alta Vista Neighborhood requested and was accepted into the NCD program during the summer/fall of 2001. In 2003, the ordinance establishing the Alta Vista NCD was recommended for approval by the Zoning Commission and adopted by City Council (Ordinance #97590). All property owners within the Alta Vista NCD boundary were individually notified of all public meetings that were held to develop the NCD plan and to determine design standards.

The applicant is proposing to keep an existing **roof over a portion of a non-conforming structure with a pitch at 3:12 to 4:12 over the course of the roof structures.** This roof was built without a building permit and the applicant was issued a citation on March 9, 2004. The investigation was initiated as the result of a citizen complaint. On June 7, 2004, the applicant presented this same variance, in addition to two other variance requests, to the Board of Adjustment for consideration: Case Number A-04-053. The Board of Adjustment denied the applicant's requests. After denial by the Board, The Planning and Community Development Department Staff met numerous times with the applicant with alternate design solutions and allowed the applicant adequate time to correct the violations. Upon discovery of the continued existence of the violations, the Planning and Community Development Department requested a *Stop Work Order* be placed on the project.

On September 17, 2007 the applicant presented a separate variance request to the Board of Adjustment for consideration (Case Number A-07-087) which the Board denied. Additionally, the applicant may request one more variance at a later date.

Recommendation: The designation of a Neighborhood Conservation District, as requested by the citizens of the neighborhood, provides residents with a tool to preserve and protect the

unique character of their neighborhood. While there are varying roof pitches throughout the district, the existing condition on the subject property is not in keeping with the original character of the neighborhood. The intent of the NCD design standard was to restore steeper roof pitches that were common to many of the architectural styles that existed in the neighborhood when it was originally developed. During development of the ordinance, the community recognized the current neighborhood conditions and made a concerted effort to acknowledge existing non-conforming buildings by allowing pre-existing, non-conforming conditions to remain, even if replaced or repaired, but also encouraging the restoration of original design features in the neighborhood, including the requirement that new roofs should conform to the minimum pitch stated in the NCD design standards. To date, the applicant has not taken any action to correct violations related to the NCD and UDC that have been heard by this board. Staff recommends **denial** of this variance request.

Case Manager: David Arciniega, Planner (210) 207-6944

Exhibit A

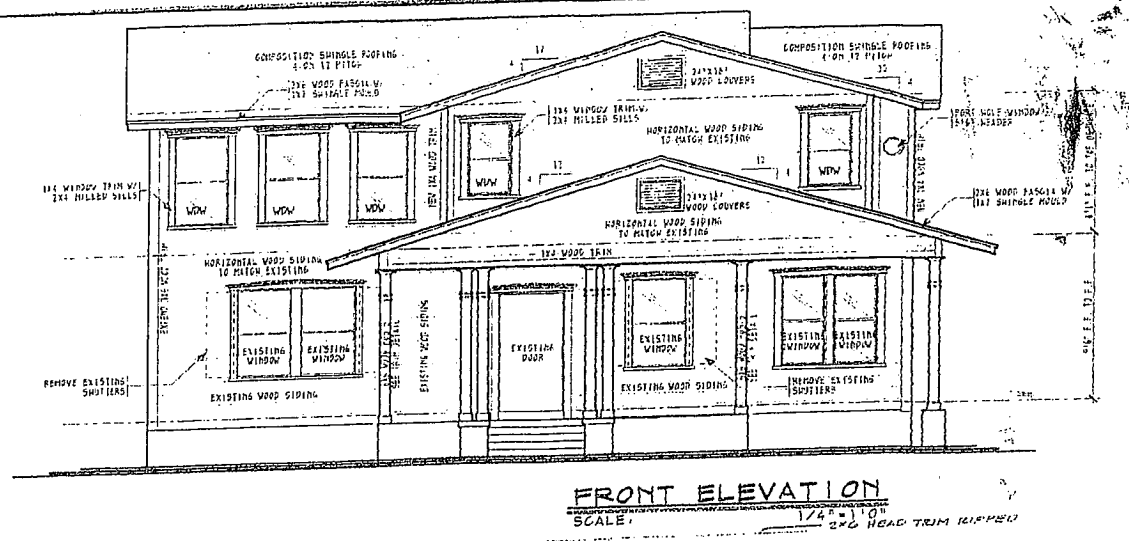


Fig. 1 - Clip of architect's construction documents submitted to the Planning and Community Development Department after initial citation and issuance of stop work order



Fig. 2 - Photo of project at time of initial citation and issuance of stop work order



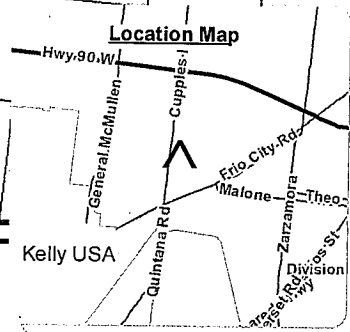
Board of Adjustment
Notification Plan for
Case A-08-010



Legend

Subject Property 
 200' Notification Buffer 

Scale: 1" approx. = 80'
 Council District 5



Produced by the City of San Antonio
 Development Services Department
 (11/09/2007)

Board of Adjustment - Case No. A-08-010

November 19, 2007

The Board of Adjustment will hold a Public Hearing at 1:00 PM on **Monday, November 19, 2007** in the Board Room on the 1st floor of the Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant – Ray C. And Joann Almaguer
Lot 10, Block 12, NCB 7399
222 West Emerson Avenue
Zoned: “R-6” Residential Single-Family District

The applicant is requesting an 16-foot variance from the Unified Development Code requirement that a minimum 20-foot front setback be maintained for front entry carports, in order to keep an existing carport 4 feet from the front property line

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. You may contact Case Manager David Arciniega at 207-6944 regarding the status of this case. If you plan to make a presentation and would like to utilize audio/video capabilities, the Development Services Department must receive all materials at least 24 hours prior to the public hearing.

Construction relative to any variances granted by the Board must be started within six (6) months of the public hearing.

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Emerson Ave W

4' Between Carport and
Front Property Line

Existing Carport
(26'W x 30'D)

20' Front Carport Setback

Existing Residence

N 132 ft of Lot 10
NCB 07399 - Block 012

Alley

Board of Adjustment
Plot Plan for
Case A-08-010



Scale: 1" approx. = 20'
Council District 5

222 Emerson Ave W

Produced by the City of San Antonio
Development Services Department
(11/07/2007)

CASE NO: A-08-010

Board of Adjustment – November 19, 2007

Applicant: Ray C. And Joann Almaguer
Owner: Ray C. And Joann Almaguer
Request(s): A 16-foot variance from the Unified Development Code requirement that a minimum 20-foot front setback be maintained for front entry carports, in order to keep an existing carport 4 feet from the front property line.

Legal Description: Lot 10, Block 12, NCB 7399

Address: 222 West Emerson Avenue

Zoning: "R-6" Residential Single-Family District

Existing Use: Single-family residence

Neigh. Assoc: Thompson Community Neighborhood Association

Neigh. Plan: Kelly/South San PUEBLO Plan

Sections of the City Code from which the variance is requested:

Section 35-516 Carport and Garage Setbacks: A 20-foot front setback is required between the back of the sidewalk or the property line and a front entry garage or carport.

Background: The subject property is located in an established single-family residential neighborhood on the City's west side, south US Highway 90 Wes, east of Cupples Road. The subject property lies on the south side of West Emerson Avenue and is occupied by a single-family residence. Single-family residences surround the subject property on all sides. The purpose of the requested variance is to keep an existing carport that encroaches into the front setback. The applicant built this carport without the required building permit. The applicant was issued a citation on October 2, 2007. The investigation was initiated as a result of a citizen complaint.

Recommendation: The intent of the front setback requirement for carports and garages is to maintain 20 feet of space to allow for additional off-street parking so that vehicles do not encroach into the sidewalk, right-of-way or on to the street. This lot does not appear to be characterized by any unique terrain features where literal enforcement of the front setback requirement would result in unnecessary hardship. Staff recommends **denial** of the requested variance.

Case Manager: David Arciniega, Planner (210) 207-6944

Report Date 10/29/2007 01:27 PM

Submitted By

Page 1

Case # 63667

Case Information

Stages

	Date / Time	By
Processed	07/05/2007 14:18	CA02304
Resolved		
Expires		

Associated Information

Case Group	PERMIT	WORKING W/O PERMIT	<input checked="" type="checkbox"/> Auto Reviews
Priority	1	RESIDENTIAL STANDARD	
Resolution Code			
Source	CALL	CITIZEN DIRECT CALL	
Name			

Applications Affected

☒ Building Application ☐ Project Application ☐ Use Application ☐ License Application ☐ Case

Description of Case

working on carport without permit.///10-2-07 Knocked on front door and rang door bell, no one came to door (2 autos in driveway). Left red card informing occupant to contact Insp. 120 or Sr. Bldg. Insp. Martinez within 48 hrs. regarding carport. ///// 10/08 07 require permit for adding on to existing carport. acrport in violation of 20' front setback (currently at 4'-9"). must remove addition of carport or apply for varaince by 10/19/07 to board of adjustment. *** double fee permit**** //// 10/23/07 Variance has been applied for which is scheduled for 11/19/07.

Project #	Project/Phase Name	Phase #
Size/Area	Size Description	

Customer/Service	Problem	Resolution/Code	Resolved/Date
Service #			

No Customer Service Log Entries

Property/Site Information

Address 222 W EMERSON
SAN ANTONIO TX 78226-0000

Location

Owner/Tenant

There are no contacts for this site

Linked Addresses

No Addresses are linked to this Application

A/P-Linked Addresses

No Addresses are linked to this Application

Linked Parcels

144076

A/P-Linked Parcels

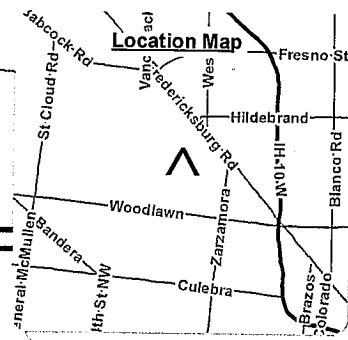
No Parcels are linked to this Application

Applicants/Contacts

No Applicant Contacts

Contractors

No Contractors



®

Produced by the City of San Antonio
Development Services Department
(11/09/2007)

Board of Adjustment - Case No. A-08-011

November 19, 2007

The Board of Adjustment will hold a Public Hearing at 1:00 PM on **Monday, November 19, 2007** in the Board Room on the 1st floor of the Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant – Mark and Marie Cooper
Lot 16, Block 22, NCB 1944
1940 West Summit Avenue
Zoned: “R-6” Residential Single-Family District

The applicant requests 1) a 130 square-foot variance from the Unified Development Code requirement that a maximum 800 square-foot area allowed for accessory detached dwelling units, in order to build a 930 square-foot accessory detached dwelling unit, and 2) a 23% building footprint variance from the Unified Development Code requirement that a maximum allowed [40% of the building footprint of the principal residence], in order to build an accessory detached dwelling unit with a building footprint that would be 63% of the building footprint of the principal residence.

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. You may contact Case Manager David Arciniega at 207-6944 regarding the status of this case. If you plan to make a presentation and would like to utilize audio/video capabilities, the Development Services Department must receive all materials at least 24 hours prior to the public hearing.

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Summit Ave W

50' = 0"

Lot 16
NCB 01944 - Block 022

Existing
Residence

160' = 2"

Proposed Additional
Residential Structure
(930 sq. ft.)

Alley

Board of Adjustment

**Plot Plan for
Case A-08-011**



Scale: 1" approx. = 20'
Council District 7

1940 Summit Ave W

Produced by the City of San Antonio
Development Services Department
(11/09/2007)

CASE NO: A-08-011

Board of Adjustment – November 19, 2007

Applicant: Mark and Marie Cooper

Owner: Mark and Marie Cooper

Request(s): 1) a 130 square-foot variance from the requirement that accessory detached dwelling units be no larger than 800 square feet, in order to build a 930 square-foot accessory detached dwelling unit, and
2) a 23% building footprint variance from the requirement that the building footprint of an accessory detached dwelling unit be no larger than 40% of the principal building footprint, in order to build an accessory detached dwelling unit with a building footprint that would be 63% of the building footprint of the principal residence.

Legal Description: Lot 16, Block 22, NCB 1944

Address: 1940 West Summit Avenue

Zoning: "R-6" Residential Single-Family District

Existing Use: Single-family residence

Neigh. Assoc: Jefferson/Woodlawn Lake Neighborhood Association

Neigh. Plan: Near Northwest Community Plan

Section of the City Code from which these variances are requested

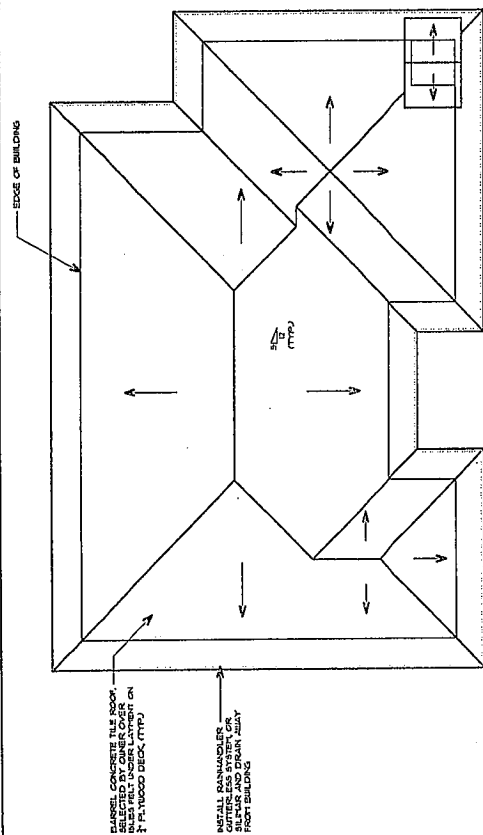
35-371 Accessory Dwellings: The building footprint for an accessory detached dwelling unit shall not exceed 40% of the building footprint of the principal residence, and the total floor area of an accessory detached dwelling unit shall not exceed 800 square feet or be less than 300 square feet.

Background: The subject property is located in a residential single-family neighborhood and is occupied by a single-family residence. The subject property lies on the south side of West Summit Avenue, west of IH 10 west, north of West Woodlawn Avenue. A 9-foot wide alley abuts the subject property to the south. Residential zoning and uses surround the subject property. The applicant is proposing to build a 930 square-foot accessory detached dwelling unit in the rear of the subject property.

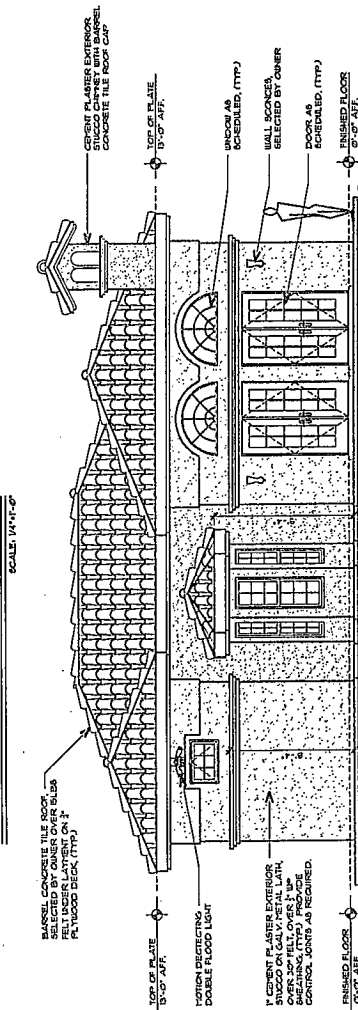
Recommendation: The intent of the limits on accessory detached dwelling unit square-footage and building footprint size is to prevent overcrowding of residential lots and to achieve the open space desired in residential neighborhoods. Considering the size of the lot (8000 square feet), and the size of the proposed accessory detached dwelling unit, it appears the 930 square-foot accessory detached dwelling unit would not observe the intent of the ordinance. Furthermore, the size and scale of the proposed accessory detached dwelling unit is not consistent with the surrounding neighborhood. This lot does not appear to be characterized by any unique terrain features where literal enforcement of the total floor area or the building footprint requirements for accessory detached dwelling units would result in unnecessary hardship. Staff recommends **denial** of the requested variances.

CASE MANAGER: David Arciniega, Planner, 207-6944

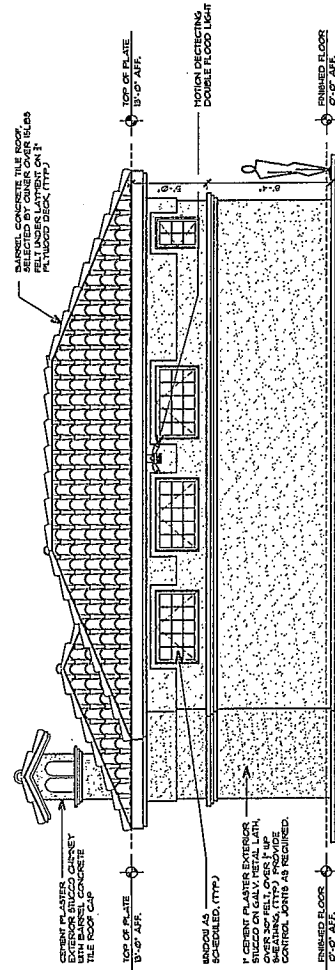
LOT 12



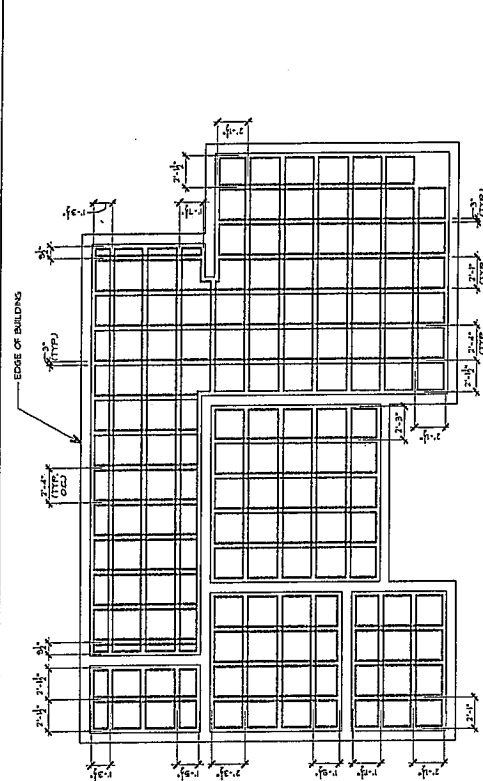
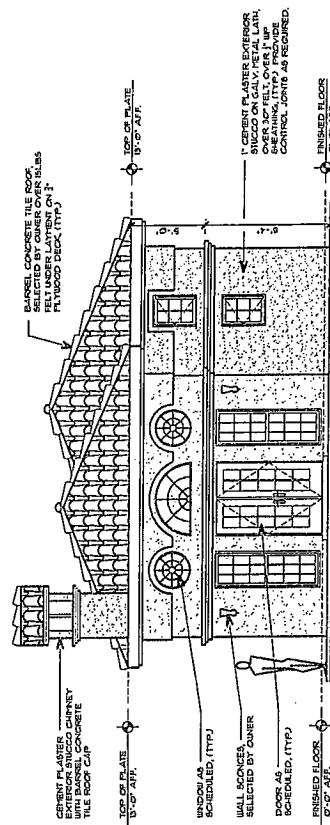
A2.1 ROOF PLAN



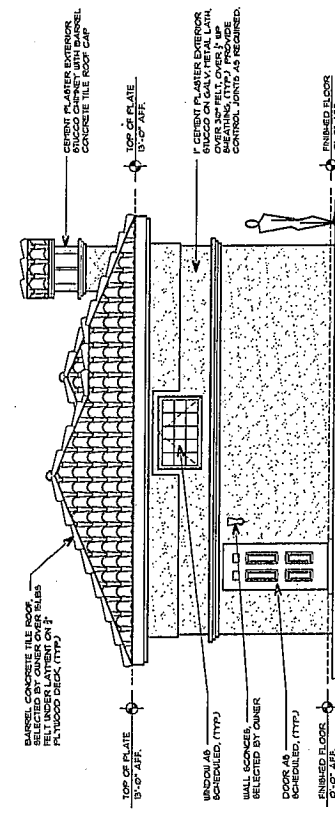
A23 NORTH ELEVATION



A2.5 SOUTH ELEVATION

A22 REFLECTIVE CEILING PLAN SCL UND3

A2.4 WEST ELEVATION



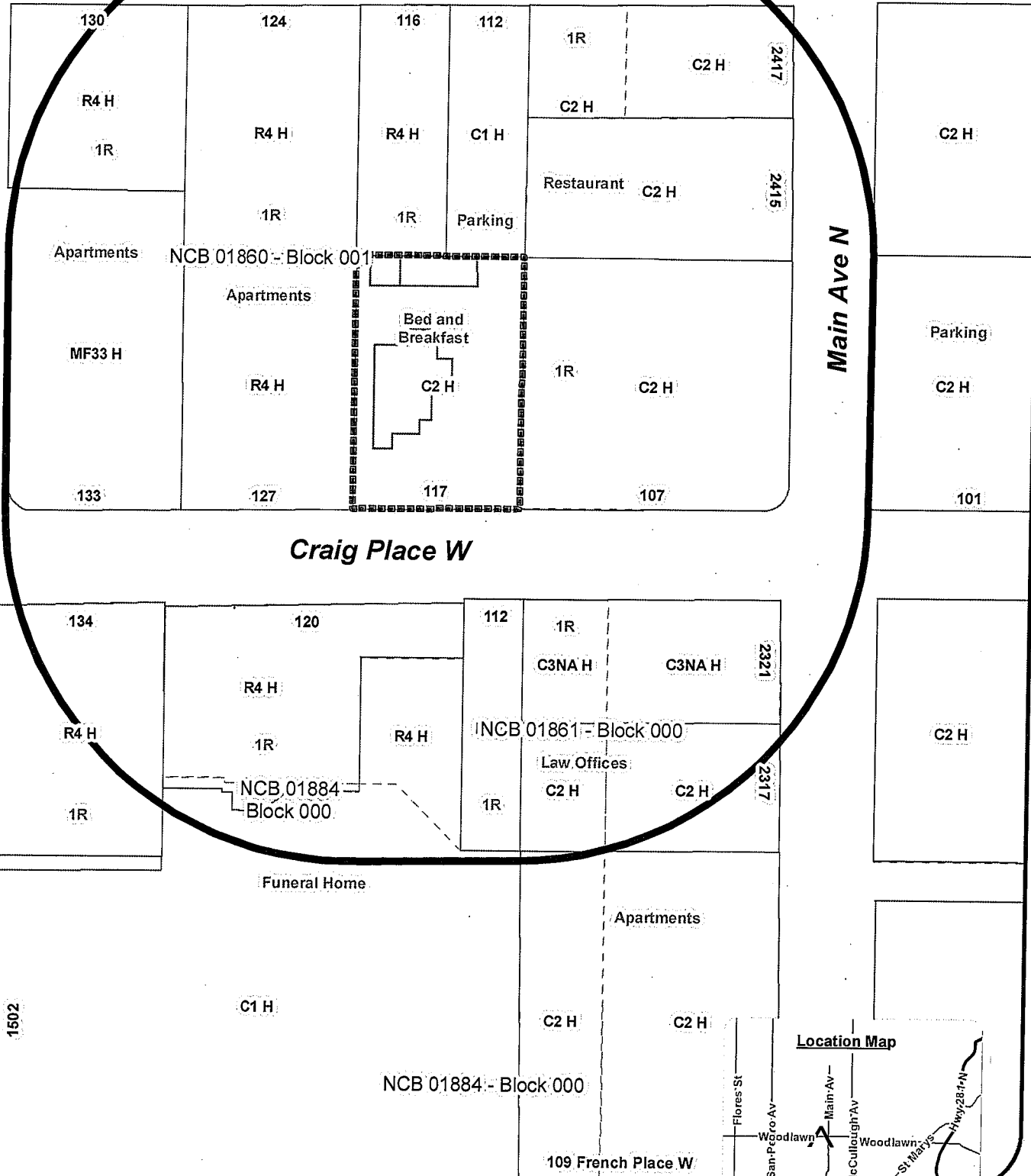
A26 FAST EVALUATION

Woodlawn Ave W

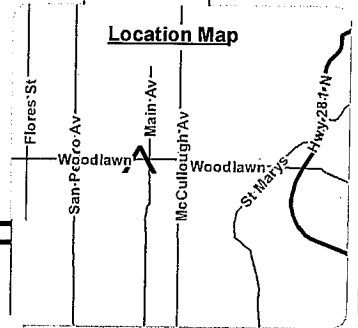
Howard St

Main Ave N

Craig Place W





Location Map



Board of Adjustment
Notification Plan for
Case A-08-012



Legend

Subject Property 
 200' Notification Buffer 

Scale: 1" approx. = 80'
 Council District 1

Produced by the City of San Antonio
 Development Services Department
 (11/09/2007)

Board of Adjustment - Case No. A-08-012

November 19, 2007

The Board of Adjustment will hold a Public Hearing at 1:00 PM on **Monday, November 19, 2007** in the Board Room on the 1st floor of the Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant – Gregory Alba
Lot 19, Block 1, NCB 1860
117 West Craig Place
Zoned: "C-2 H" Historic Commercial District

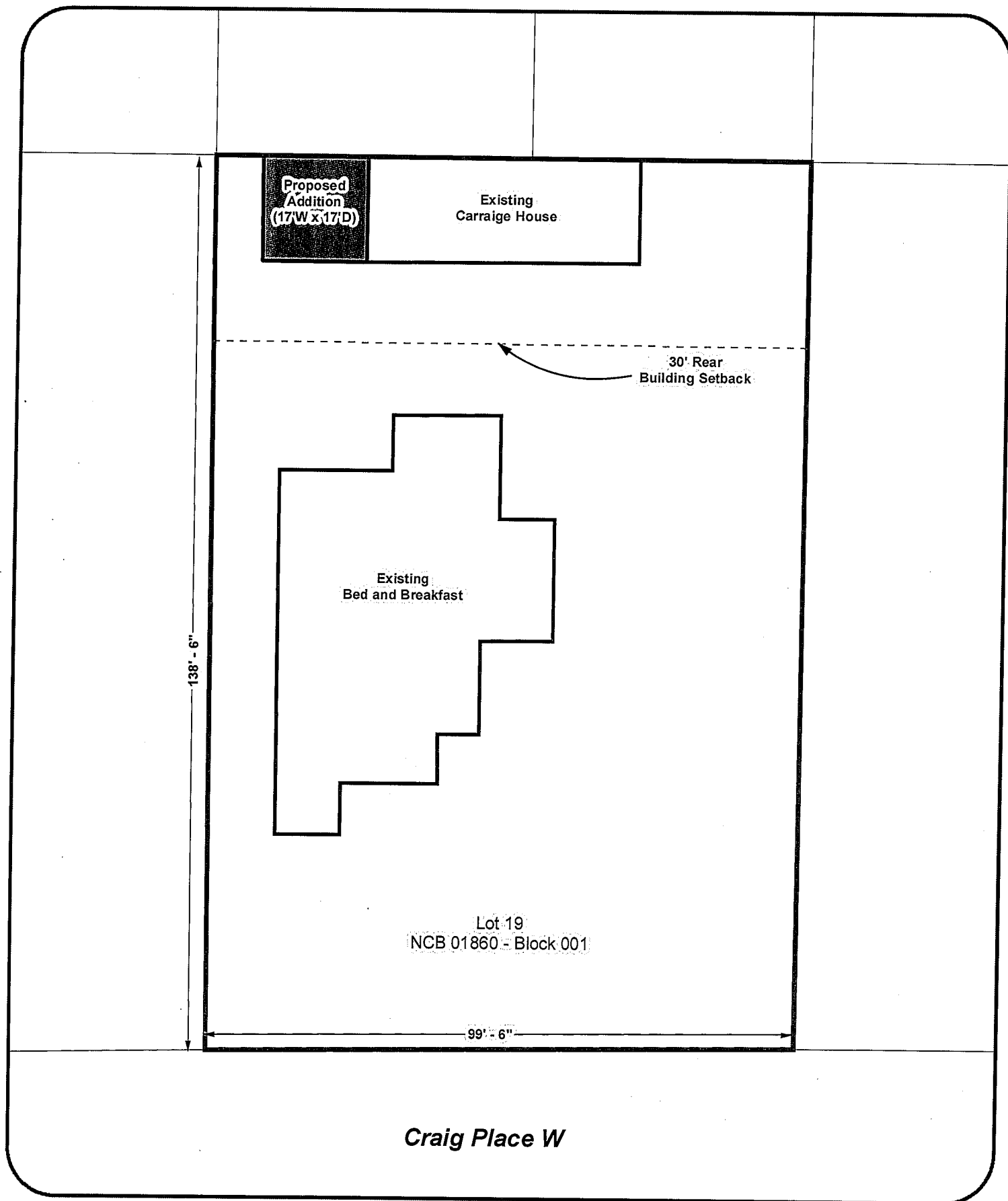
The applicant is requesting a complete variance from the Unified Development Code requirement that a minimum 30-foot rear setback be maintained in "C-2" zoning districts in order to build a structure on the rear property line.

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. You may contact Case Manager David Arciniega at 207-6944 regarding the status of this case. If you plan to make a presentation and would like to utilize audio/video capabilities, the Development Services Department must receive all materials at least 24 hours prior to the public hearing.

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Board of Adjustment
Plot Plan for
Case A-08-012



Scale: 1" approx. = 20'
Council District 1

117 Craig Place W

Produced by the City of San Antonio
Development Services Department
(11/09/2007)

CASE NO: A-08-012

Board of Adjustment – November 19, 2007

Applicant: Gregory Alba
Owner: Gregory Alba
Request(s): A complete variance from the minimum 30-foot rear setback required in "C-2" zoning districts when abutting residential uses or residential zoning districts, in order to build a structure on the rear (north) property line
Legal Description: Lot 19, Block 1, NCB 1860
Address: 117 West Craig Place
Zoning: "C-2 H" Historic Commercial District
Existing Use: Bed & breakfast with detached carriage house
Neigh. Assoc: Monte Vista Neighborhood Association
Neigh. Plan: Monte Vista Neighborhood Plan

Section of the City Code from which this variance is requested

35-310 Zoning District Purpose Statements and Design Regulations: A minimum 30-foot rear setback is required in "C-2" zoning districts when abutting residential uses or residential zoning districts.

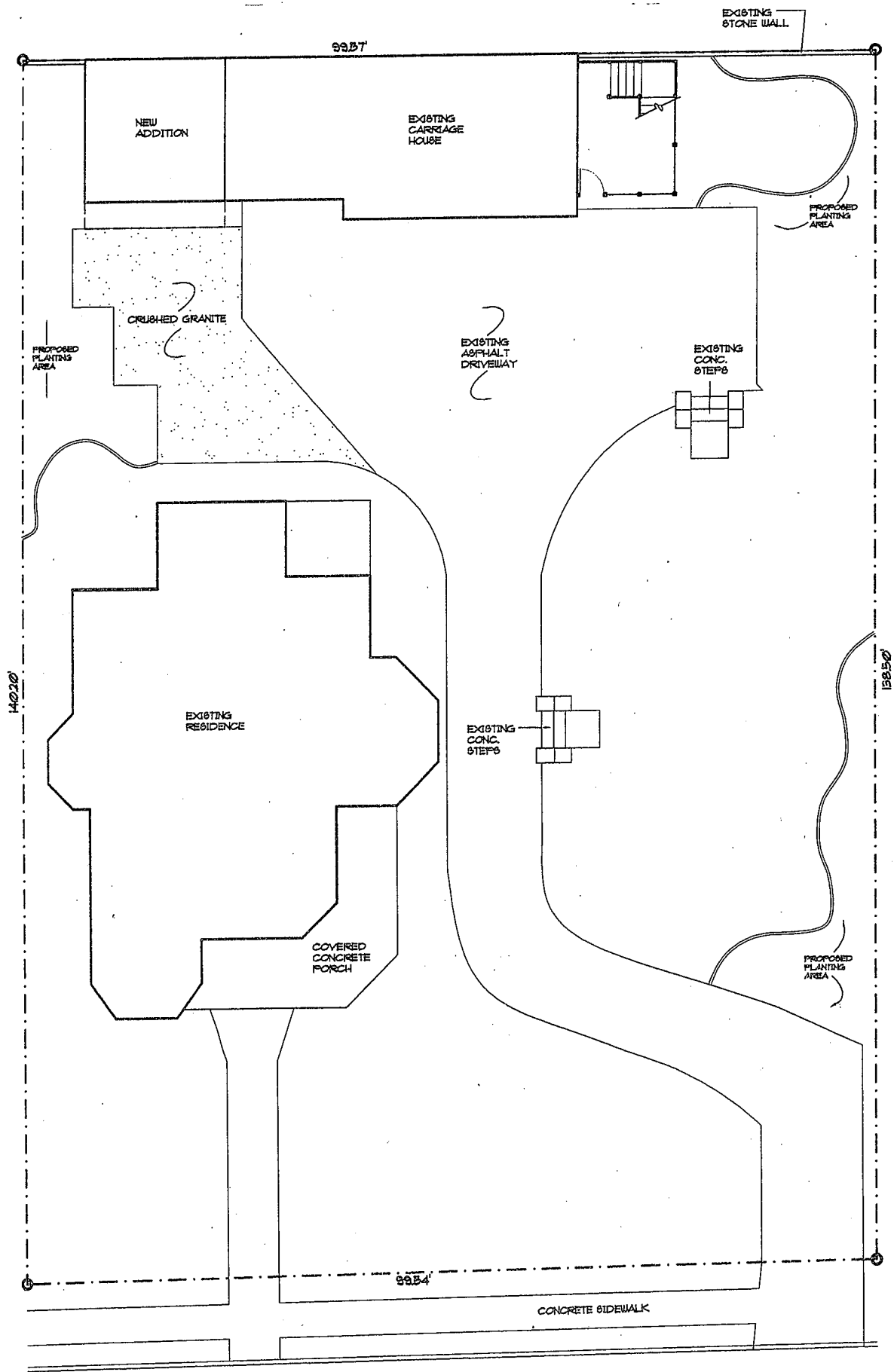
Background: The subject property is situated on the north side of West Craig Place, between McCullough and San Pedro Avenues. The block within which this lot is situated is characterized by a mixture of multi-family, single-family and commercial zoning classifications and uses. A single-family residence occupies property abutting to the northwest, and a restaurant parking lot abuts the subject property to the northeast. The structures on the subject tract include a 2-story bed-and-breakfast that was built as a residence in 1891, and a 1,353 square foot detached carriage house.

The detached carriage house was historically used to house horse carriages, horses and for storage. The carriage house has subsequently been downsized and converted into 905 square feet of living quarters. Today, the subject property is zoned commercial and the main structure was converted from a residence into a bed-and-breakfast. The owner and his family live in the carriage house. The carriage house, and a 5-foot tall stone wall, were built on the rear property line. The applicant is proposing to build a 578 square-foot addition in-line with the existing carriage house. The applicant is in the process of requesting approval from the Historic and Design Review Commission.

Recommendation: The intent of the rear setback requirement for commercial zoning districts when abutting residential uses is to provide a reasonable buffer to protect abutting residences from the noise, light, and traffic typically generated by commercial uses, to allow for air flow and light penetration, and to prevent the overcrowding of lots. The subject lot, while zoned commercial and occupied by a bed-and-breakfast, still retains residential character as well as residential activity. The carriage house which houses the residential use, was built many years before San Antonio

had zoning or setback requirements. It lies not only on the rear property line but completely within the 30-foot rear yard/setback. To meet the applicable rear setback requirements, an addition to this building could not be built at all. The historical development of the subject property offers a unique situation/condition which appears to be consistent with most of the other residential lots within this block. Staff recommends **approval** of the requested variance.

Case Manager: David Arciniega, Planner (210) 207-6944



LOT 19 N.C.B. 1860

SITE PLAN

NOT TO SCALE

